

COURT OF APPEALS  
DIVISION TWO

<sup>1</sup>Although the two cases were not formally consolidated below, they were informally consolidated for purposes of both the probation revocation hearing on April 18, 2007, and the aggravation/mitigation/disposition hearing on May 17, 2007.

¶2 Appellate counsel has filed a brief pursuant to *Anders v. California*, 386 U.S. 738 (1967), and *State v. Leon*, 104 Ariz. 297, 451 P.2d 878 (1969). Counsel did not cite *State v. Clark*, 196 Ariz. 530, 2 P.3d 89 (App. 1999), but did substantially comply with its requirements by “setting forth a detailed factual and procedural history of the case with citations to the record, [so that] this court can satisfy itself that counsel has in fact thoroughly reviewed the record.” 196 Ariz. 530, ¶ 32, 2 P.3d at 97. Counsel states he has searched the record on appeal, asks us to search for fundamental error, and also suggests as an arguable issue that the evidence was insufficient to support the court’s finding that the state had proved allegation five of the petition to revoke probation. Trujillo has not filed a supplemental brief.

¶3 In July 2004, Trujillo had been placed on three years’ supervised probation following her conviction for theft in CR200300729 and her convictions for attempted aggravated assault on a peace officer and eluding a pursuing law enforcement vehicle in CR200300780. On March 14, 2007, the state filed substantially identical petitions in CR200300729 and CR200300780 to revoke Trujillo’s probation.

¶4 The revocation petitions originally alleged eight separate violations committed between February 20 and March 12, 2007. Allegations four, five, and six asserted that on March 6, 7, and “7,” respectively, Trujillo had “failed to report to her IPS [(intensive probation supervision)] team to conduct [a] job search” as her probation conditions required. The state dismissed allegation six as the revocation hearing began because of the

typographical error in the date alleged. Three witnesses testified at the hearing: Trujillo, her probation officer, and an adult probation surveillance officer. At the conclusion of the testimony, the court found the state had not proved allegation four but had proved allegations one, two, three, five, seven, and eight by a preponderance of the evidence.

¶5 In announcing its ruling, the trial court acknowledged some conflict or lack of clarity in the evidence that Trujillo had failed to report to her IPS team on March 6 and 7 to conduct a job search. Finding the evidence close, the court ruled the state had adequately proved allegation five but not allegation four. Although there was some confusion in the testimony about which specific dates Trujillo had failed to report, her probation officer testified that Trujillo had failed to report as required on March 7. Thus, there was evidence to support the trial court's finding, and we cannot say its ruling was erroneous.

¶6 Moreover, even had the trial court erred in finding allegation number five had been proved, that was not the sole finding that led the court to revoke Trujillo's probation. The court found five other allegations also proved, and Trujillo has not challenged the sufficiency of the evidence to support any of those findings. Because there was ample, uncontested evidence to support the order revoking Trujillo's probation, any error in the court's ruling with respect to allegation five would have been harmless. *See State v. Rivera*, 116 Ariz. 449, 452, 569 P.2d 1347, 1350 (1977).

¶7 We have reviewed the record in its entirety and have searched it for error pursuant to our obligation under *Anders*. Having found none, we affirm the trial court's order revoking Trujillo's probation and committing her to ADOC for mitigated, consecutive terms totaling two years' incarceration.

---

PETER J. ECKERSTROM, Presiding Judge

CONCURRING:

---

PHILIP G. ESPINOSA, Judge

---

GARYE L. VÁSQUEZ, Judge